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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael J. Greenside

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EXAMINER

LEE, JINHEE J

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/976,997
Filing Date: October 11, 2001
Appellant(s): GREENSIDE ET AL.

MAILED

MAY 05 2006

GROUP 2800

John P. Wagner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 13, 2006 appealing from the Office action mailed July 27, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5575546	Radloff	11-1996
3986544	Jones et al.	10-1976

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Radloff (US005575546A).

Re claim 1, Radloff discloses an assembly comprising: a filler panel body (14); and a locating element (16f, post) coupled to said filler panel body, said locating element orienting said filler panel body with respect to a computer chassis (16) such that interference generating movement of said filler panel body is reduced (see figure 1 and column 3 lines 45-46 according to the numbering in the middle).

Re claim 2, Radloff discloses an assembly comprising: an attaching device (16g, tab) adapted to be coupled to said filler panel body, said attaching device for removably coupling said filler panel body to said chassis (see figure 1). Note that, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 3, Radloff discloses an assembly comprising: an electromagnetic interference shield portion (unnumbered, outer edges of 14a as well as 16f, 16g and 16i for example) coupled to said filler panel body, said shield portion adapted to prevent EMI leakage from said chassis (see figure 1 and column 6 lines 13-15). Note that, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Radloff (US005575546A).

Re claim 4, Radloff substantially discloses an assembly as set forth in claim 1 with said locating element coupled to said filler panel body at a location such that said locating element will insert into a mounting hole disposed on said chassis. Radloff does not explicitly disclose that the assembly is in accordance with a compact peripheral component interconnect standard. It would be obvious to make routine changes to meet the standards and codes in effect at the time and place of implementation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the assembly that is in accordance with a compact peripheral component interconnect standard, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radloff (US005575546A) in view of Jones et al. (US3986544).

Re claim 6, Radloff substantially discloses an assembly as set forth in claim 1 above with said locating element with head portion (unnumbered portion, top portion of 16f for example). Radloff does not explicitly disclose an insertion portion coupled to said head portion, said insertion portion adapted to be inserted into an opening in said chassis to reduce said interference generating movement of said filler panel body with respect to said chassis. However, Jones et al. teaches of a locating element (1, screw member) with an insertion portion (3, shank) coupled to a head portion (2, head), said insertion portion adapted to be inserted into an opening (see figure 7). It would have

been obvious to one having ordinary skill in the art at the time the invention was made to use the locating member with an insertion portion coupled to said head portion, said insertion portion adapted to be inserted into an opening in said chassis to reduce said interference generating movement of said filler panel body with respect to said chassis of Jones et al. on the assembly of Radloff in order to provide a fastened post. Note that, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 7, note that Radloff discloses an assembly comprising: said locating element coupled to said filler panel body such that said head portion is flush with said filler panel body (see figure 1).

Re claim 8, note that Jones et al. teaches of the locating element with a retention portion (unnumbered, threading of shank 3) coupled to said head portion and adapted to enhance coupling of said locating element and said filler panel body (see figure 7). Also note that, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

(10) Response to Argument

In response to applicant's argument that "the post 16f of Radloff to be an integral part of the chassis assembly 16, not an integral part of the filler panel body assembly 14 as described and Claimed in the present invention", examiner disagrees.

The claimed language in claim 1 states that "a locating element coupled to said filler panel body". A locating element (post 16f) of Radloff is coupled to said filler panel body (14) of Radloff as claimed.

In response to applicant's argument that "16f of Radloff would be a component of the chassis assembly not a component of the filler panel body assembly", examiner disagrees.

The claimed language of "filler panel assembly", does not exclude item 16f of Radloff which is coupled to the filler panel body (14) of Radloff as claimed. The claimed language having "assembly" allows, the post 16f to be included in the assembly. The claim language of "filler panel assembly" does not exclude an element (i.e. post 16f) that is coupled to the filler panel (i.e. 14).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the locating element being "an integral part of the filler panel body assembly") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jinhee Lee



**JINHEE J. LEE
PRIMARY EXAMINER**

Conferees:

Dean Reichard



Darren Schubert



Jinhee Lee

